

**Stone, Robert J.**

**From:** Stone, Robert J.  
**To:** Powers, David M.  
**Cc:** Stone, Robert J.; Lester, Frank G.; Nelson, Byron (WKA); Matthew Tilloy  
**Subject:** Notes from Industry Meetings-4/21 & 4/22  
**Date:** Thursday, April 23, 1998 6:41PM

The MA. Attorney General filed intent with the Secretary of State on 4/17/98 a series of proposals concerning the sale and distribution of cigarettes and smokeless tobacco products in Massachusetts. He tentatively set public hearings for Boston on 5/20/98 and Springfield on 5/21/98 (site and time yet to be disclosed) and will allow a written comment period (not disclosed) to follow. The industry requests that all affected partisan and coalition partners participate in the rule-making procedure and called for grassroots participation to influence the rules to make them unpopular enough so they will have to be reduced and redefined. Because the "draft" proposal is "Business Unfriendly" and because the Secretary of State must endorse the action of the Attorney General in a business climate he considers "Business Friendly", we would recommend that all comments be ccd'd to the Secretary of State. Association and Action Groups that would be contacted to testify were discussed and included: N.A.C.S.; N.E.S.C.A.; A.I.M.; N.F.I.B.; A.C.L.U.; Chambers of Commerce; and Outdoor Advertising Firms. Participants were asked to bring lists to the 4/22 meeting. One member said the Sawyer/Miller storyboards may be useful.

1. Show what potential impact might be with enforcement of the proposal-financial considerations for retailers/wholesalers
2. How much will the proposal cost to enforce and where will the revenue stream come from for the enforcement.
3. Request information from the groups on how the proposal might impact them
4. Challenge the definitions and historical usage of Ch. 93A
5. Identify any other industry that might be impacted in the future if the AG deems them politically incorrect. ie. manufacturers, bio-tech, chemicals, petroleum, and packaging firms-mandate for 40% recycle material in packaging by yr. 2000.
6. When is reasonable exercise of 93A enforcement become unfair and deceptive.
7. Is the proposal an "unfunded mandate?"
8. Have meetings with select groups to establish strategy for public hearings & written testimonials.
9. Penalties and Fines are not exposed in the proposal-limits of liability for retailers, wholesalers, and manufacturers.
10. Several radius limits are left blank in the "draft."

**Proposed Plan:**

Send copy of "draft" proposal and summary sheets to our association list and primary outdoor advertisers with coverletter from N.E.W.M.A. asking each Board of Directors/Association Executive to review and take a position on the proposal. Ask them to send a letter to the AG and the Sec. of State outlining their opposition to the rules and explain the impact on their business, employees, and financial burden that will be experienced. Key Phrase-I thought Massachusetts was trying to become "Business Friendly!" These rules are very "Unfriendly!" Request confirmation that a representative will attend and comment during the Public Hearings on 5/20 and/or 5/21. Create a secondary list of unrelated industries that might be concerned with these rules and request they participate as above. Conduct telephone follow-up to confirm receipt of material, action by B.O.D./Administrator and confirm spokesman for the hearings

Initial Mailing out on 4/27  
Confirm Receipt Call on 5/5  
Position/Spokesman Call on 5/14  
Public Hearing Reminder Call on 5/18